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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

D.A.No.857/98

New Delhi : this the 22nd day of December, 1998.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

1. Shri Mahendra Singh,
S/o Shri Mohan Lal,
R/o Block No.8, Qr.No.90,
Geeta Colony,
Delhi-31.

2. Shri Bhagwan Singh,
S/o Shri Ghansi,
R/o D-1, House No.231, Madan Biri,
New Delhi.

3. Shri Ram Narayan,
S/o Shri Chunni Lal,
C/o Shri Radhey Kishan Meena,
RZC-10-1/A, Vijay Enclave,
Palam Road,
New Delhi

.... applicant.

(By Advocate: Shri D.N. Sharma)

Versus

1. Union of India,
through
The Secretary,
Ministry of Defence,
South Block,
New Delhi.

2. The Chief of Army Staff,
Army Headquarters,
DHQ,
Post Office,
New Delhi.

3. The Quarter Master General,
Quarter Master General Branch,
(in respect of Disbanded: 3 RPD, ASC,
Mathura),

Army Headquarters,
DHQ,
Post Office,
New Delhi.

.... Respondents.

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4. Shri Mangtoo Ram,
Mazdoor(Civilian),
S/o Shri Mani Ram,
H.No.222/59 , Sukhdev Nagar,
Post Office-Krishna Nagar,
Mathura -281004.
C/o Commanding Officer, 338(I),
Supply Depot,
Mathura-Cantt.

5. Shri Hira Lal,
Mazdoor(Civilian),
S/o Shri Khrkiya,
Office of the Commanding Officer,
338(I) Supply Depot, ASC, Mathura-Cantt.
R/o Vill. Damodar Pura,
P.C. Veterinary College,
Distt.Mathura(UP) Respondents.

(BY Advocate: Shri R.P. Agarwal).

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicants seek regularisation against group 'D' posts with effect from the date Respondent No.4 was regularised, with consequential benefits.

2. Applicants aver that one of them was engaged in 1978 and the other two in 1980 as daily wages. A seniority list of daily wage's employees was drawn up in April, 1982 in which applicants featured at Sl.Nos.8,11 and 1 respectively. A Board of officers met on 1.3.82 for regularisation of daily wages employees. Applicants' cases were also considered, but they were held unfit for regularisation. Applicants contend that although another daily wage employee one Ram Chand was also held unfit for regularisation, he was subsequently regularised and died in service as a permanent Mazdoor (Group 'D' employee) on 28.5.92, upon which his

his son was also given compassionate appointment. Applicants state that they were verbally disengaged on 30.4.82 and upon this arbitrary action, they approached the Asstt. Labour Commissioner (Central), Mathura upon which intervention they were reemployed on 15.9.85 as daily wages, but were again terminated verbally on 31.8.88. They were again reemployed as daily wages w.e.f. 1.7.93, and upon the closure of 3-Reserve Petroleum Depot, while other staff working there were absorbed elsewhere, applicants were again disengaged verbally on 10.3.95.

3. Two out of the 3 applicants had filed OA No. 1557/93 against their disengagement in 1988 which was dismissed on grounds of limitation vide orders dated 28.10.94 (Annexure-A/10).

4. After their subsequent disengagement in March, 1995, they filed OA No. 392/97, but the OA was dismissed as withdrawn by order dated 23.1.98 upon prayer made by applicants' counsel to withdraw the OA in order to pursue the matter with the department with liberty to come again if applicants still had a grievance, which liberty was granted to them in accordance with law.

5. Applicants now state that their repeated representations not have met with satisfactory response, they have been compelled to file this OA.

6. I have heard both sides.

7. It is not denied that applicants have worked with respondents in the past. Under the circumstances

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subject to availability of work, when respondents are considering reengaging daily wage Mazdoor, the cases of applicants should be considered in preference to outsiders and those with overall lesser length of past service, without compelling them to be sponsored again through the Employment Exchange. After such engagement, applicants may work out their rights for regularisation and grant of appropriate seniority subject to availability of vacancies and in accordance with rules and instructions.

8. The OA is disposed of in terms of para 7 above. No costs.

Madig
(S. R. MADIGE)
VICE CHAIRMAN (A).

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